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9 Attorneys for Defendant Hartford Casualty  
Insurance Company

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 GCI NUTRIENTS (USA), INC.,

14 Plaintiff,

15 v.

16 HARTFORD CASUALTY INSURANCE  
COMPANY,

17 Defendant.

Case No.: 2:11-cv-00639-JCM-GWF

19 **STIPULATED PROTECTIVE ORDER**

20 Plaintiff GCI Nutrients (USA), Inc. and defendant Hartford Casualty Insurance  
21 Company stipulate and request that the court enter the Protective Order which follows below.  
22 This request is made in order to protect proprietary information of both parties which both  
23 parties intend to disclose or which they anticipate may be the subject of discovery during the  
24 course of this action.

1 DATED: June 14, 2011

2 BULLIVANT HOUSER BAILEY PC

3  
4 By /s/ Andrew B. Downs

5 Andrew B. Downs  
6 Nevada Bar No. 8052  
7 Kristol Bradley Ginapp  
8 Nevada Bar No. 8468

9 Attorneys for Defendant Hartford Casualty  
Insurance Company

10 DATED: June 14, 2011

11 JOLLEY URG A WIRTH WOODBURY &  
12 STANDISH

13 By /s/ David J. Malley (by e-mail auth. ABD)

14 William R. Urga  
15 Nevada Bar No. 1195  
16 David J. Malley,  
17 Nevada Bar No. 8171

18 Attorneys for Plaintiff GCI Nutrients (USA), Inc.

19 **PROTECTIVE ORDER**

20 The parties having stipulated, and good cause appearing,

21 IT IS HEREBY ORDERED as follows:

22 1. Each of the parties to this action may designate any document (regardless of the  
23 form in which it is maintained) or deposition testimony as "CONFIDENTIAL" In order to  
24 facilitate this process, all documents produced by each of the parties to this action shall be Bates  
25 Numbered prior to production.

26 2. The designation of a document or testimony as CONFIDENTIAL shall be made  
27 in the following manner:

28 (a) For documents produced in paper or imaged format: (i) By labeling or  
branding each page to be protected as "CONFIDENTIAL"; or (ii) For documents designated

1 subsequent to production by communicating to all counsel via letter or e-mail both the  
2 designation and the Bates Number(s) of the designated document(s), plus within ten business  
3 days of the designation, supplying new copies of those documents which are labeled and  
4 branded with the appropriate designation.

5 (b) For materials produced in electronic format, other than in imaged format:  
6 (i) By communicating to all counsel by letter or e-mail the designation; and (ii) If feasible, by  
7 noting the designation on the media on which the materials are produced.

8 (c) For deposition testimony: (i) During the deposition, by statement on the  
9 record at the outset of the applicable portion of testimony of the designation, followed by a  
10 statement on the record at the conclusion of the designated testimony; or (ii) After the  
11 deposition by communicating to all counsel and the court reporter via letter or e-mail the page  
12 and line ranges to be designated.

13 3. Documents and testimony designated as CONFIDENTIAL may be disclosed and  
14 used as follows:

15 (a) To counsel of record for each of the parties. Counsel of record shall  
16 include the staffs of each of the counsel.

17 (b) To the parties and their employees, managers and principals, provided  
18 those persons execute the consent to be bound which appears as Exhibit A to this Order.

19 (c) To persons or entities retained as expert consultants and/or expert  
20 witnesses by any of the parties to this action, provided those persons execute the consent to be  
21 bound which appears as Exhibit A to this Order.

22 (d) To Court Reporters and their staffs.

23 4. Documents and testimony designated as CONFIDENTIAL may be used in  
24 depositions and may be marked as exhibits in those depositions. At the time that a confidential  
25 document is first used in a particular deposition, the designation shall be stated on the record  
26 and a copy of this Order shall be provided to the Court Reporter.

27 5. Documents and testimony designated as CONFIDENTIAL may be used in  
28 connection with motions including, but not limited to motions made pursuant to paragraph 7 of

1 this Order. At the time of filing such documents with the Court, the party filing the document  
2 shall file the document under seal. Wherever possible, counsel shall file only the protected  
3 document and an appropriate cover page under seal, with the remainder of the documents being  
4 filed in the ordinary manner. Any documents filed under seal may have the sealing designation  
5 removed by further order of the Court.

6 6. Documents and testimony designated as CONFIDENTIAL may be used at trial  
7 under such terms and conditions as the Court may set at that time. The parties shall have  
8 available at the time of trial, clean copies of such documents which do not bear the designation  
9 of the document and shall not offer documents bearing the designation as exhibits to be shown  
10 to the jury.

11 7. Any party who disputes the designation attached to a particular document may  
12 file a motion with the court to challenge that designation. The filing party shall comply with  
13 Local Rule 26-7.

14 8. At the conclusion of this matter all documents and testimony designated as  
15 CONFIDENTIAL shall be protected as follows:

16 (a) All paper copies of such documents, except those used as exhibits at trial  
17 or in connection with depositions or motions shall, at the receiving party's option: (i) Be  
18 returned to the designating party; or (ii) Be destroyed in a secure fashion by the receiving party,  
19 and the receiving party shall deliver to the producing party a certificate attesting to the  
20 destruction.

21 (b) Electronic copies, as well as copies used as exhibits at trial or in  
22 connection with depositions or motions need not be destroyed, but the receiving party shall  
23 maintain them in a secure manner and shall not disclose them to any other person or entity  
24 without the written consent of the producing party.

25 9. A party who receives a subpoena or other legally enforceable request from a non-  
26 party to this case for production of any document or information protected by this Order shall,  
27 as promptly as possible notify the producing party of the request. The party receiving the  
28 subpoena has no obligation to seek a protective order or other relief, but if the producing party

1 seeks a protective order or other relief, the party receiving the subpoena or legally enforceable  
2 request shall not comply voluntarily with the subpoena or other legally enforceable request until  
3 the motion for protective order or other relief has been acted upon. Production pursuant to a  
4 subpoena or other legally enforceable request shall not operate to waive the protection of this  
5 Order for any other purposes or in any other context.

6 10. This Order shall survive the dismissal of this action or the entry of judgment in  
7 this matter.

8 DATED: June 16, 2011

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10   
11 GEORGE FOLEY, JR.  
12 United States Magistrate Judge

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**EXHIBIT A – CONSENT TO BE BOUND**

I, \_\_\_\_\_, acknowledge receipt of a copy of the STIPULATED PROTECTIVE ORDER in Action No. 2:11-cv-00639-JCM-GWF in the United States District Court for the District of Nevada and agree to be bound by its terms.

I acknowledge that any violation of the STIPULATED PROTECTIVE ORDER by me may subject me to sanctions by the United States District Court for the District of Nevada, including, but not limited to a finding of civil contempt. By executing this Consent, I understand that I am subjecting myself to the jurisdiction of the United States District Court for the District of Nevada for the purposes of this Order only.

I also agree that a copy of this Consent shall be as enforceable as the ink signature original of this Consent.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature

**BullivantHouserBailey PC**

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